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MONTANA LEGISLATIVE HISTORY

Chapter 640 19 89

Bill H _____ S 209 Original bill & history ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Mar 13	✓ C	Hearing Date(s) Jan 20	✓ C
_____	___C	Feb 01	✓ C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Note: The Free Conf. Comm. minutes were not recorded.

3/13 REREFERRED TO TAXATION
DIED IN COMMITTEE

SB 207 INTRODUCED BY BROWN, ROBERT, ET AL.
REQUIRE SMOKE DETECTORS IN RENTAL UNITS

1/21 INTRODUCED
1/21 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
2/01 HEARING
2/06 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/09 2ND READING PASSED AS AMENDED 44 4
2/11 3RD READING PASSED 41 5

TRANSMITTED TO HOUSE
2/21 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
3/01 HEARING
3/14 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/27 2ND READING CONCURRED AS AMENDED 67 20
3/29 3RD READING CONCURRED 66 31

RETURNED TO SENATE WITH AMENDMENTS
4/04 2ND READING AMENDMENTS CONCURRED 49 0
4/06 3RD READING AMENDMENTS CONCURRED 44 5

4/11 SIGNED BY PRESIDENT
4/17 SIGNED BY SPEAKER
4/17 TRANSMITTED TO GOVERNOR
4/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 567 EFFECTIVE DATE: 4/18/89

SB 208 INTRODUCED BY BROWN, ROBERT, ET AL.
REVISE VENUE NONRESIDENT TORT CLAIMS

1/21 INTRODUCED
1/21 REFERRED TO JUDICIARY
1/27 HEARING
DIED IN COMMITTEE

SB 209 INTRODUCED BY BROWN, ROBERT
REVISE COURT REPORTER SALARIES

1/21 INTRODUCED
1/21 REFERRED TO JUDICIARY
1/23 FISCAL NOTE REQUESTED
1/27 HEARING
1/30 FISCAL NOTE RECEIVED
1/31 FISCAL NOTE PRINTED
2/02 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/06 REVISED FISCAL NOTE PRINTED
2/06 2ND READING PASSED 49 0
2/08 3RD READING PASSED 43 6

TRANSMITTED TO HOUSE
2/21 REFERRED TO JUDICIARY
3/13 HEARING
3/13 COMMITTEE REPORT--BILL CONCURRED
3/27 2ND READING CONCURRED 72 23
3/29 3RD READING CONCURRED 70 27

RETURNED TO SENATE

SENATE FINAL STATUS

3/31	SIGNED BY PRESIDENT		
3/31	SIGNED BY SPEAKER		
3/31	TRANSMITTED TO GOVERNOR		
4/06	RETURNED TO SENATE WITH GOVERNOR'S AMENDMENTS		
4/11	2ND READING GOVERNOR'S AMENDMENTS NOT CONCURRED	48	1
	TRANSMITTED TO HOUSE		
4/12	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	93	5
	SENATE		
4/12	FREE CONFERENCE COMMITTEE APPOINTED		
4/18	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	50	0
4/19	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	50	0
	HOUSE		
4/13	FREE CONFERENCE COMMITTEE APPOINTED		
4/18	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/19	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 DO NOT ADOPT MOTION FAILED	28	68
4/19	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	76	22
4/20	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	64	29
4/26	SIGNED BY PRESIDENT		
4/28	SIGNED BY SPEAKER		
5/01	TRANSMITTED TO GOVERNOR		
5/05	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 640		
	EFFECTIVE DATE: 07/01/89 (S1, 3, 4)		
	EFFECTIVE DATE: 07/01/91 (S2)		

SB 210 INTRODUCED BY DEVLIN, ET AL.
REVISE PENALTY FOR VIOLATION OF NEPOTISM LAW

1/21	INTRODUCED		
1/21	REFERRED TO STATE ADMINISTRATION		
1/26	HEARING		
1/27	COMMITTEE REPORT--BILL PASSED		
1/31	2ND READING PASSED	50	0
2/02	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO STATE ADMINISTRATION		
3/08	HEARING		
3/08	COMMITTEE REPORT--BILL CONCURRED AND PLACED ON CONSENT CALENDAR		
3/11	3RD READING CONCURRED	86	5
	RETURNED TO SENATE		
3/17	SIGNED BY PRESIDENT		
3/17	SIGNED BY SPEAKER		
3/18	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		

STATE OF MONTANA — FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB209, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act to increase the salary schedule of court reporters and to revise court filing fees that are applied to court reporters' salaries; amending Sections 3-5-602 and 25-1-202, MCA; and providing an effective date.

ASSUMPTIONS:

1. Effective July 1, 1989.
2. There are 37 court reporters statewide that are affected by SB209.
3. All 37 court reporters make $23,000 per year under current law and all will receive the new statutory maximum during the 1991 biennium.
4. Civil actions filed during FY90 and FY91 will be the same as in calendar 1987 (15,589).
5. The District Court Reimbursement program reimburses approximately 17% of the cost of court reporters' salaries, as determined by the ratio of criminal to civil cases filed.
6. Salary benefits are 15% of gross salaries.

FISCAL IMPACT:

	FY90			FY91		
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal Services	$812,280	$1,063,750	$251,470	$812,280	$1,063,750	$251,470
Funding: County General Fund						
Benefits and Claims	144,670	157,250	12,580	144,670	157,250	12,580
Funding: State General Fund						
Revenue:						
County General Fund						
Clerk of Court Fees	-0-	$ 155,890	$155,890	$ -0-	$ 155,890	$155,890

Ray Shackleford 1/28/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Bob Brown 1/30/89
BOB BROWN, PRIMARY SPONSOR DATE

Fiscal Note for SB209, as introduced

SB 209

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on January 27, 1989, at 10:00 a.m. in Room #325 at the State Capitol.

ROLL CALL

Members Present: Chairman Bruce Crippen, Vice Chairman Al Bishop, Senators Tom Beck, Bob Brown, Mike Halligan, John Harp, Loren Jenkins, Joe Mazurek, Dick Pinsoneault, Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: Senator Mazurek introduced Mr. James Chang, the Council General of the Republic of China office in Seattle, and Mr. Matthew Lee of Taiwan to the committee. He welcomed them to Montana and wished them an enjoyable evening at the Governor's Ball.

HEARING ON SENATE BILL 209

Presentation and Opening Statement by Sponsor: Senator Bob Brown of Whitefish, representing District #2 stated that the bill increased the salaries of court reporters and revised the court filing fees. The increase in court filing fees would bring in about $200,000 into the county each year, he stated, which would pay for the bill.

List of Testifying Proponents and What Group they Represent:

Jerome Anderson, Montana Court Reporters Association
Robert Nieboer, Montana Court Reporters Association

List of Testifying Opponents and What Group They Represent:

Linda Stall Anderson, Montana Association of Counties
Howard Geip, Flathead County Commissioner

Testimony:

Jerome Anderson presented written testimony to the committee. (See Exhibit #1)

Robert Nieboer read written testimony into the record. (See Exhibit #2.)

Linda Stall Anderson appeared as an opponent, stating that she didn't think the job of court reporters was very different from other county employees. She felt that a $9,000 to $11,000 increase in salary was too much, and that it would be difficult for the counties to come up with the additional funds.

Howard Geip stated that his county had been living under budget constraints for the last few years. His board of commissioners felt that would be wrong to have legislation for an increase in wages for anyone in their county government. The court reporters in Flathead County were the only people who had private businesses in the county buildings, he stated, and charged the county for their services, he said.

Questions From Committee Members: Senator Halligan asked Jerome Anderson if a new, graduating court reporter would get a starting salary of $25,000 and Mr. Anderson stated that was correct, if the bill passed in its present form.

Senator Yellowtail asked Mr. Anderson what the average salary was for a court reporter. Mr. Anderson stated it is at a level of $23,000 at present. He said the increase was based upon a salary set by the judges, who considered the background and training of the individual before applying a salary increase.

Sen. Dick Pinsoneault asked Mr. Anderson if the court reporter's job required him to do outside reporting. Mr. Anderson said it did not. The official court reporters no longer have time to take depositions anymore, he stated, so it is being done by free-lance reporters.

Closing by Sponsor: Sen. Bob Brown stated that the lowest increase in the bill is discretionary, that all court reporters would not necessarily receive the maximum raise. There hasn't been a raise since 1983, he said, and added that their work-load has increased since then.

SENATE JUDICIARY
EXHIBIT NO. 1, part 1
DATE 1-27-89
BILL NO. SB 209

STATEMENT ON BEHALF OF THE MONTANA COURT REPORTERS ASSOCIATION IN SUPPORT OF SENATE BILL 209

Mr. Chairman and Members of the Committee:

Senate Bill No. 209, introduced by Senator Brown, is a bill which would provide for an increase in the maximum and minimum amounts within which annual salaries are set for court reporters. The present statute provides that each reporter is entitled to receive a salary of not less than $16,000 nor more than $23,000 annually. This salary level was set by the legislature in 1983. Senate Bill 209 would increase those salary levels to a salary of not less than $25,000 nor more than $35,000 annually.

Court reporters' salaries are set by the District Judge for whom the reporter works. The salary is paid out of the general funds of the counties which are included within each judicial district and also out of an appropriation made to the State Department of Commerce. The amounts paid by each county and by the state is based upon a formula set forth in Section 2 of the statute being amended in Section 1 of the bill.

As is the case with judges in Montana, the salary levels for court reporters in this state are low as compared to the remainder of the United States. Montana ranks 44th among all states with respect to the entry-level salary. Montana ranks last with respect to the states surrounding us. The entry levels for the surrounding states are:

STATE JUDICIARY
EXHIBIT NO 4 att. p.2
DATE 1-27-89
BILL NO. SB 209

Wyoming - $30,086 annually

Idaho - $27,000 annually

North Dakota - $23,700 annually

South Dakota - $19,406 annually

In North Dakota and South Dakota, as well as in Idaho, salary increases are set by the legislature. In Wyoming salary increases are set by the Supreme Court subject to legislative approval. Utah's entry-level salary is $23,928 and Washington's varies from $22,000 to $35,316 annually among the various counties. Clearly Montana's salary provision is low as compared to other states. While inflation has eaten away the value of the dollar and the purchasing power of the salaries now received by court reporters, those salary levels have remained unchanged since 1983.

The workload of official court reporters has increased over the past six years. Because of the increased level of appeals from court decisions and the resultant need for a record of all proceedings, judges today require more transcription of proceedings than ever before. Reporters are now reporting matters such as probate proceedings, default divorce hearings, etc., which were not reported in previous years. Much of the equipment used by the reporters is purchased by them at their own expense. Word processors, computer equipment, et al., which makes it possible for a reporter to keep up with the workload, are in many cases paid for by the reporter out of pocket with no reimbursement by the counties or the state despite the fact that

EXHIBIT NO. 1, pt. 1 A
DATE 1-27-89
BILL NO. SB 209

the equipment is used primarily for the Court's business.

Present law calls for a payment of $3.00 by each party in a civil action that goes to trial. This amount goes to the county and is to be applied to the payment of the salary of the reporter. Senate Bill No. 209 amends the statute which calls for such payment. The bill provides for a fee of $10.00 to be paid at the time of filing of all civil actions which amount goes to the county to be applied to the court reporter's salary. Thus a method is provided to recoup at least a portion of the salary increase. There were 22,036 civil actions filed in Montana in 1987 and 19,866 filed in 1988. Thus the fee provided in Section 2 of the bill would raise approximately $200,000 annually to be applied to the payment of court reporters' salaries.

We urge your support of Senate Bill 209.

Respectfully submitted,

Jerome Anderson
Representing the Montana
Court Reporters Association

SENATE JUDICIARY
EXHIBIT NO. 1, 2 of 2
DATE 1-27-89
BILL NO. SB 209

Montana Court Reporters Association, Inc.

P.O. Box 20211 Missoula, MT 59801 Ph. 543-6447 or 756-5613

TOWARD THE COURTROOM OF THE FUTURE:

Montana's Court Reporters
1989 Legislative Packet

The Montana Court Reporters' Association, Inc. is comprised of approximately 90 members drawn from throughout the state. Half of our members are salaried employees or "official reporters," who work directly for a court or government agency. Half are independent court reporters who are paid on a fee basis by the person or company hiring them. Official reporters also travel with the judges to outlying areas as needed.

The Montana association is a branch of the National Shorthand Reporters' Association, and operates under its guidelines and Code of Professional Conduct. Our aim is to constantly improve our professionalism and to regularly upgrade our credentials through continuing education.

Court reporters prepare for their careers by attending special training schools for 2-3 years (the nearest to Montana are in South Dakota and Colorado), then serving an internship under another reporter's tutelage. Reporters receive extensive computer training and are very familiar with computer technology. In addition, they annually attend continuing education classes, workshops and seminars designed to keep them abreast of their own field and of changes in the legal community.

SENATE JUDICIARY
EXHIBIT NO. 1, part 2
DATE 1-27-89
BILL NO. SB 209

An Introduction to Court Reporters

Montana's legal system would be much the poorer and heavily crippled were it not for a legion of silent partners helping judges and attorneys. These partners listen carefully to each word being said, enter the proceedings into a computerized system, and reproduce a written record precisely, accurately - and often instantaneously.

This is the court reporter, the most unobtrusive and accurate observer in the courtroom. Because court reporters work in silence with a minimum of intrusion into the proceedings, their work is often overlooked or misunderstood. The written transcripts court reporters provide enable fast and accurate review of the record for appellate proceedings, depositions, and a number of other matters. The court reporter enables justice to be carried out simply by being able to relate exactly what was said in a courtroom.

It takes a great deal of education and experience to record the proceedings in silence. A court reporter will:

- not have to have legal terms or specialized language explained;

- maintain full confidentiality and complete discretion;

- work with quiet efficiency.

The new computer-aided transcription (CAT) systems now in use by a growing number of reporters have produced welcome changes both in the courtroom and in the world of freelance work. As the reporter types the proceedings into a stenographic machine linked to a CAT system, the computer translates the stenographic symbols into English. Back at the office, the reporter edits and processes the electronic document into a comprehensive, clear transcript of the proceedings and prints it out.

Outside of court, these systems have come into wide use for captioning televised events for the hearing impaired. And finally, computer-aided transcription has dramatically increased the speed with which transcripts can be edited and produced.

The reason some people have not been very much aware of court reporters until now is because - in the courtroom - they're not supposed to be. We take that as a sign of our success.

But we wanted you to know who we are and what we do. We're proud of our work, and proud to be an integral part of the system which safeguards the legal process in this country.

Please read on to understand the concerns we have during the current legislative session.

SENATE JUDICIARY
EXHIBIT NO. 1, pt 2, p. 3
DATE 1-27-89
BILL NO. SB 209

Court Reporters' Salaries

As official reporters, our salary is mandated by state law.

We are professionals at what we do. We receive highly specialized training for a highly specialized field. Our knowledge of communications, the law and computer technology combines to provide the legal system with accuracy, efficiency and discretion of the highest quality.

We're often on call, and adjust to constant changes in schedules. We continually upgrade our skills and knowledge through annual training sessions and seminars. We often work nights and weekends, knowing that the speed with which we do our work is an integral part of the speed with which justice can and should be delivered.

We haven't had a raise in six years.

The price of living has gone up. Like all of you, we're paying increased costs of goods, utilities, services and interest rates. Unlike many of you, we purchase our own expensive and specialized computer systems designed to handle our type of legal work.

As with so many Montanans, we would like to see growth in our profession and not be compelled to leave it for more lucrative work elsewhere. Like all of you, we would like Montana salaries to be at least competitive with neighboring states in order to attract continued high quality people to our profession.

Right now, we are allowed a minimum salary of $16,000 per year and a maximum salary of $23,000 per year.

If you think about it, that's a range of just $8.33 per hour to $12 per hour. That isn't take-home pay, either.

We're asking for a base salary of $25,000 per year up to a maximum of $35,000. The judge, through budget conferences with county commissioners, would set the salaries of individual reporters. Criteria would include experience, education, training, certification and the use of technology.

SENATE JUDICIARY
EXHIBIT NO. 4 part 2, p. 4
DATE 1-27-89
BILL NO. SB 209

The National Shorthand Reporters' Association Code of Professional Conduct

The Shorthand Reporter Shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings.

2. Be alert to situations that are conflicts of interest or that may give the appearance of conflict of interest. If a conflict or a potential conflict arises, the reporter shall disclose that conflict or potential conflict.

3. Guard against not only the fact but the appearance of impropriety.

4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the reporter by any of the parties in a proceeding.

5. Be truthful and accurate when making public statements or when advertising the reporter's qualifications or the services provided.

6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.

7. Determine fees independently, except when established by statute or court order, entering into no agreements with other reporters on the fees to any user.

8. Maintain the integrity of the reporting profession.

SENATE JUDICIARY
EXHIBIT NO. 2 A-1
DATE January 27, 1989
BILL NO. SB209

Mr. Chairman and members of the committee:

I am Bob Nieboer, a registered professional reporter, an official court reporter for the 11th judicial district court in Kalispell. I am here speaking in favor of Senate Bill 209. WITH ME TODAY ARE: OUR ASSOCIATION has prepared, and have distributed a 4-page handout.

NOTE NAME CHANGE

It has been six years since the official court reporters have come to you for a pay increase. Needless to say, the cost of living has increased over this period of time, and, although most other county officials and employees have had approximately a three per cent, or larger increase each year, we have had no increase for this six year period.

I will explain briefly what a court reporter does and the training required for the job, for those of you who have not had the privilege (or misfortune) of being involved in some litigation and needing the services of a court reporter.

Court reporters make a verbatim record of everything that is said during court proceedings. It is a great responsibility and is a very stressful job. A person other than a court reporter will listen to someone speaking, and even though you may not hear every word, by context you understand what that person is saying. The reporter must hear every word and record every word spoken; and when someone is speaking relatively fast, talking at the same time as another person, or mumbles or speaks with an accent, or speaks in technical terms, the reporter must accurately record every word spoken.

SE... JUDICIARY
EXHIBIT NO. 21 p. 2
DATE 1-27-89
BILL NO. SB 209

We must be knowlegeable in almost every field and every profession there is, because sooner or later a witness will show up in court from that profession.

The reason a reporter is necessary is to be sure there is a complete and accurate record for the protection of litigants, so if the attorney makes a ~~mistake~~ ERROR or the judge, it can be reviewed by others, particularly the Supreme Court.

The training required to become a reporter is generally a special school that teaches writing on the stenograph machine, along with courses in English, spelling, accounting, business, legal and medical terminology and a variety of other courses to prepare the reporter for almost anything that may come up in the courtroom or hearings. These courses normally take ~~more than~~ two to three years, ~~with no vacation time, unlike most college courses, (and generally speaking gives the reporter an education comparable in time to three years of college.)~~

Some of the costs the reporter has, beyond his education costs, (which are very large,) are the costs of computers, which with software initially run over $20,000, other costs are costs of scopers, explain computers + servicings paper, ribbons, typists if the reporter is not using a computer, and all other costs of running a business. The counties in most areas only pay the salary of the reporter.

In addition, the reporters must take seminars and training to keep up with today's ever-changing technology. This is also necessary for the registered professional reporters to maintain that designation.

SENATE JUDICIARY
EXHIBIT NO. 2, p. 3
DATE 1-27-89
BILL NO. SB 209

We have endeavored to bring to you a proposal for a reasonable increase in pay for the official court reporters, and at the same time do this at little or no cost to the counties.

In our bill we propose a minimum base salary for court reporters in the district courts to be increased to $25,000 and the maximum to be increased to $35,000. We realize this is a sizable increase, but we have not come to you for an increase since 1983. The judge for whom the reporter works then sets the salary between those two figures. This, each judge will do when working on their annual budget, with the overview by the County Commissioners. I know from experience that all reporters do not get the maximum amount, and if this bill is passed I am sure most of the judges in the state are going to pay the reporters ~~closer to the minimum~~ far less than the maximum.

I am sure the judges, working on the budgets with the County Commissioners, will take into consideration things such as length of service, certification such as holding a registered professional reporter certificate, and use of modern technology, such as computer aided transcription, and also the workload in their district, and set the salary accordingly

I will give you the salaries of a few states in our area. These are entry level salaries as of 1987, and some states give cost of living increases or various time and qualification increases beyond that.

SENATE JUDICIARY
EXHIBIT NO. 2nd P.4
DATE 1-27-89
BILL NO. SB209

Mr Cude gave you salaries of surrounding states - lower than ours in salary levels but the Rocky Mtn and Pacific Coast

~~Idaho: $27,000~~

~~North Dakota: 23,700~~

~~South Dakota: 19,406~~

Washington: 22,000 + ~~to~~ 35,,316 ~~Counties vary~~

Oregon: 18,000 + ~~to~~ 28,000 - Lower courts to District courtx

Colorado: 26,200 + ~~to~~ 35,124

Arizona: 26,000

~~Wyoming: 30,086~~

~~Montana 16,000~~

These, as I say, are entry level salaries.

Other County Employees receive SALARIES & RAISES than ours AS A RESULT OF THE annual % INCREASES

As a means of offsetting the cost of a pay increase we propose to amend Section 25-1-202. The old section, which hasn't changed since STATEHOOD ~~1887 - repeat, 1887~~ - called for a $3 steno fee to be paid at the time the case was to be tried in court. In most areas of the state these fees, because they were so minimal, were not collected or infrequently collected by the Clerk of Court's office. Under our new proposed bill a fee of $10 would be charged on civil matters when the case is filed, and therefore would be certain to be paid into the county general fund.

I received information from the Montana State Judicial Information System as to the number of cases filed in any particular county, judicial district and the entire state.

SENATE JUDICIARY
EXHIBIT NO. 2, p. 5
DATE 1-27-89
BILL NO. SB 209

I can give you information on any particular county; but on the basis of the last three years filing, ~~23,000~~ 20,000 civil cases were filed in all the counties of Montana, which means if this bill were passed it would bring in to the counties' general funds ~~$230,000~~ 200,000 to be used to offset any increase given to the reporters.

On the assumption that the average pay for all reporters in Montana would be midway between the minimum and maximum, we can predict that 35 reporters earning $30,000 per year would recieve an increase from $23,000 a year to 30,000 for a total of $7,000 increase, which would make a total cost to the state of $245,000.

If you assumed that the three dollar fee has been collected on all cases, which I can assure you has not, we would have an increase of $7 for a total of $161,000. I am sure it would actually be more than $200,000 because of lack of collection at this time. Therefore you would have an increase of only $45,000 statewide.

If you were to consider lowering the maximum to $33,000 and leaving the $23,000 as a minimum, and assuming that again the midway point would be the average pay, $28,000; the cost increase would be $175,000 per year. This would be entirely paid for by increasing the fee to $10. + even put additional funds into the General Fund!

SENATE JUDICIARY
EXHIBIT NO. 2, p. 6
DATE 1-27-89
BILL NO. SB 209

Considering no increased cost to the counties for the last six years for reporters salaries, and a method of financing by the litigants rather than taxpayers, we ask this bill as written be given your approval.

Thank you for your attention and consideration.

If you have any questions I will be glad to answer them, and if I don't have the answer maybe some of the other reporters here can be of assistance.

Thank you again for the opportunity to make this presentation.

DISPOSITION OF SENATE BILL 258

Discussion: Senator Mazurek asked about the retroactive date. Senator Crippen felt that portion should be deleted.

Amendments and Votes: Senator Mazurek MOVED to strike Section VI in its entirety and to reflect it in the title on line 13. The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Pinsoneault MOVED that Senate Bill 258 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION

DISPOSITION OF SENATE BILL 209

Discussion: Senator Brown said he had obtained some additional information on the entry level salaries for nearby states. While Montana's entry level salary for court reporters is $16,000, Wyoming's is $30,086, Idaho's is $27,000, North Dakota is $23,700, and South Dakota is $19,406, he stated. He said the average of those is $25,046 so he thought $25,000 would be fair.

Senator Beck asked what the average salary is presently for a court reporter. Jerome Anderson, lobbyist for the Court Reporters Association, said $23,000, and that none were at the $16,000 level.

Senator Beck asked how much money a court reporter made other than the salary. Mr. Anderson said some additional money is made on transcripts on their own time. Some districts have a lot of transcripts, and some have none. If the volume of work is large, the reporter hires someone else to do the transcripts.

Senator Yellowtail felt the amendment should cut the salaries on both ends. Senator Jenkins felt the raises would impact the counties.

Amendments and Votes:
Senator Brown MOVED to AMEND the bill on page 1, line 14, striking $25,000 and inserting $23,000, striking $35,000, and inserting $32,000. The MOTION CARRIED on a vote of 6 to

4 with Senators Halligan, Beck, Yellowtail and Jenkins voting NO.

Senator Beck MOVED to further amend the bill with $23,000 as the bottom figure and $30,000 for the top figure.

Senator Pinsoneault asked to SEGREGATE the lower figure and proposed lowering the $25,000 to $22,000. The committee agreed upon the segregation.

A vote on the portion of the amendment making the $25,000, $23,000 PASSED UNANIMOUSLY. The portion of the amendment reducing the $32,000 upper figure to $30,000 was voted upon and CARRIED UNANIMOUSLY.

There was a question on the steno fee, and Mr. Anderson said that a $2.00 fee was charged in each civil case that goes to trial. He felt raising that to $10 was a fair increase. Senator Mazurek said some cases never use a court reporter, yet would have to pay. Mr. Anderson said that judges were requiring court reporters to record more even in uncontested cases, the reason being that the case might be reopened.

Recommendation and Vote: Senator Brown MOVED that Senate Bill 209 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 232

Senator Mazurek said that the sponsor of the bill, Senator Keating was doing further research as to whether a bond purchased by a North Dakota notary would provide protection to a Montana resident and vice versa. It was the consensus of the committee to hold action on the bill until a further meeting.

DISPOSITION OF SENATE BILL 229

Discussion: Senator Crippen said there was real concern about p. 2, line 20. Senator Mazurek said he had concerns about the $10,000 bond being too small. Senator Mazurek asked if there was any interest in changing the bill to repeal the section entirely. He thought people could use debt adjustment, instead of putting in regulatory language on what can be charged in a statutory section which prohibits debt adjusting. He also thought the 10% could be raised to 15%.

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 209 (first reading copy -- white), respectfully report that SB 209 be amended and as so amended do pass:

1. Page 1, line 14.
Strike: "$25,000"
Insert: "$23,000"
Strike: "$35,000"
Insert: "$30,000"

AND AS AMENDED DO PASS

Signed: _____
Bruce D. Crippen, Chairman

2:14 p.m.
2:14 p.m.
3:45 p.m.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-1-89 Senate Bill No. 209 Time

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN PINSONEAULT	✓	
SEN. YELLOWTAIL		✓
SEN. CRIPPEN	✓	
	6	4

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Brown amendments p. 1, l. 14 from $35,000 to $32,000. Passed 6-4

SF-3 (Rev. 1987)

HEARING ON SENATE BILL 209

Presentation and Opening Statement: In Sen. B. Brown's absence, Jerry Anderson, representing the Montana Court Reporters Association, opened the hearing on SB 209 and presented written testimony in support thereof (EXHIBIT 5).

Testifying Proponents and Who They Represent:

Bob Nieboer, Kalispell Court Reporter
Frank Orozco, Billings Court Reporter

Proponent Testimony:

Bob Nieboer, Kalispell court reporter, presented a handout from the Montana Court Reports Association in support of SB 209 (EXHIBIT 6). Mr. Nieboer explained the function of a court reporter and indicated court reporting is a high stress professions, often compared to the stress of an air traffic controller. Few of those who enter reporting school graduate and go enter the profession because of the demanding nature of the work and the difficulty in the training. Although most of the court proceedings presented to the public by the news media concern criminal matters, a large number of matters heard in the courts are civil cases, both jury and court trials. A majority of the reporters' work is in the area of civil litigation. For this reason, they have proposed a change in the method of collecting the steno fee which has been $3 since statehood and was to be collected at the time of hearing in court. Because of the minimal amount of the fee and the paperwork necessary by the clerk of court's office to collect this fee, most times it was not collected. They are asking that a $10 fee be collected at the time of filing a civil action to ensure payment of the fee. This fee collected in this manner should pay for the entire increase in pay to the reporters as they anticipate this would bring into the counties statewide a total of $200,000 in additional revenue. This would put the burden of the additional pay increase on the litigants who are the ones using the services of the reporters. If this bill passes, the maximum salary for reporters would still be less than a starting reporter in Wyoming who makes $30,086. They have had no salary increases since 1983. This bill puts the minimum at $23,000 where almost all reporters presently are salaried. The only added costs to the counties will be in the courts where the judge raises his reporter's salary based on length of service, qualifications, education, certification, workload, and use of modern technology. Any increase will be done at

the time of setting the court budget and will be under the scrutiny of the county commissioners and the public. He predicted few judges under the current economic conditions of the counties will set their reporters' salaries above the minimum figure without a review of the reporters' qualifications. This bill will provide a means of paying for the pay increase with little or no cost to the counties.

Frank Orozco, Billings court reporter, explained the out-of-pocket expenses incurred by most reporters in the state, including the use computer of aided transcription systems. The cost of the system is approximately $550 per month for computer payment, maintenance, and insurance. This monthly expense does not include supplies. Reporters also incur copying costs which average $200 a month.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions from the Committee: Rep. Darko indicated that by reading the bill, one would think $16,000-23,000 is the only amount court reporters earned. She asked have other charges. Mr. Nieboer stated they did charge extra for preparation of transcripts. Rep. Darko asked what a court reporter earned for transcripts. Mr. Nieboer responded the amount varied. He indicated the fee for transcripts on appeal to the supreme court is set by statute on a page rate. He stated if you have a very busy court or a judge who makes a lot of mistakes, you will have a lot of appeals to the supreme court. Busy courts have more appeals. In those courts, the reporter is in court from 8:00 until 5:00 doing the reporting. Therefore, the transcript must be done on nights and weekends. In districts where the workload is not as heavy, some of the reporters may get portions of their transcripts out during the day while they are working, but they don't make a lot on the transcripts. Mr. Nieboer stated basically they are getting paid for the work they do over and above the work they do in court. Rep. Darko asked for a range from low to high. Mr. Nieboer stated that although he did not have any figures, in a small district where there are few appeals in a year, $1,000-2,000. In a larger county, a reporter may make $6,000-10,000.

Rep. Eudaily stated it appears this bill will provide a 34% increase if everyone goes from where they are now at $23,000 up to $30,000. He felt this was high compared to what they were giving state employees. He asked why it would be safe to assume everyone who is now at the maximum of $23,000 would not go immediately to $30,000. Mr. Nieboer stated he anticipated judges around the state would keep new reporters at the minimum. He indicated that during the six-year period when it was $16,000-23,000, it took that full six-year period before the reporters went to $23,000 with one, or two, or three reporters still at $22,000, $25,000, and one under $22,000.

Rep. Eudaily stated the fiscal note makes the assumption everyone will jump to $30,000 and the revenue coming in will not cover that, so we're looking at the counties picking up $100,000 in a two-year period. Mr. Nieboer disagreed with that because he was convinced they would not go the maximum. Of the 35 reporters in the state, he felt some will go to the maximum while some will be at the minimum, with the average somewhere in the middle. He anticipated $200,000 income statewide to the counties. Mr. Anderson added that if every court reporter were paid the maximum, there would be a shortfall for the biennium of $80,000. They do not anticipate the maximum would be applied. The stretched level between $23,000 and $30,000 is so the court reporters do not have to come in every two years seeking a salary change.

Rep. Eudaily asked if the judge, even though he has to consult with the county commissioners, was able to set the salary himself anywhere he wanted to, even if the county commissioners don't approve of it. Mr. Nieboer stated he did not know, although he thought the judges had the authority to order the commissioners to do such things, but that's also within the mill levy they have and some of the other restrictions that have been placed there.

Rep. Aafedt asked if they were regulated at all as to what they charged the attorneys for the transcripts. Mr. Nieboer responded statute sets out the rate per page, which had also not been increased for six years--$2 per page for the original and one copy, 50 cents for the additional copy, and 25 cents for any copies thereafter.

Closing by Sponsor: Sen. Brown apologized to the committee for being able to attend the hearing sooner and indicated he supported the bill.

DISPOSITION OF SENATE BILL 209

Motion: Rep. Stickney moved SB 209 BE CONCURRED IN, motion seconded by Rep. Gould.

Discussion: Rep. Boharski asked if these fees would affect the 6 mill district court levy. Rep. Brown responded that if all of the salaries went to the maximum immediately, the balance would be in addition to the fees out of the local levy.

Rep. Boharski asked if there were another bill in the committee earlier increasing the filing fees. Mr. Anderson responded this bill would increase the filing fee $10 for each civil action filed in the state.

Rep. Eudaily if the majority of a court reporter's time was spent on civil rather than criminal cases. Mr. Anderson responded that although he had not done a study, the majority of their work done was civil and that was the reason for tacking the $10 fee onto civil filings. He clarified the $3 fee previously collected was for civil matters because you cannot go to a defendant or the state and take money from the state to give to the state.

Rep. Eudaily asked if $13 would be collected now. Mr. Anderson responded no, it would be only $10.

Recommendation and Vote: The motion SB 209 BE CONCURRED IN CARRIED unanimously.

ADJOURNMENT

Rep. Daily moved the meeting be adjourned. Motion carried. The meeting adjourned at 11:30 a.m.

Dave Brown

REP. DAVE BROWN, Chairman

DB/je

5808.min

STANDING COMMITTEE REPORT

March 13, 1989

Mr. Speaker: We, the committee on Judiciary report that SENATE BILL 209 (third reading copy -- blue) be concurred in .

Signed: _____
Dave Brown, Chairman

[REP. SPAETH WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT 5
DATE 3-13-89
HB SB 209

STATEMENT ON BEHALF OF THE MONTANA COURT REPORTERS ASSOCIATION IN SUPPORT OF SENATE BILL 209

Senate Bill 209, as amended, introduced by Senator Brown, provides an increase in the maximum and minimum amounts within which annual salaries for court reporters are set. The present statute provides that each reporter is entitled to receive an annual salary of not less than $16,000 nor more than $23,000. That salary level was set by the legislature six years ago in 1983. Senate Bill 209, as amended, would increase those salary levels to salaries of not less than $23,000 nor more than $30,000 annually.

Court reporters' salaries are set by the District Judge for whom the reporter works. The salary is paid out of the general funds of the counties which are included within each judicial district and also out of an appropriation made to the State Department of Commerce. The amounts paid by each county and by the state is based upon a formula set forth in Section 2 of the statute being amended in Section 1 of the bill.

As is the case with judges in Montana, the salary levels for court reporters in this state are low as compared to the remainder of the United States. Montana ranks 44th among all states with respect to the entry-level salary. Montana ranks last with respect to the states surrounding us. The entry levels for the surrounding states are:

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Wyoming - $30,086 annually

Idaho - $27,000 annually

North Dakota - $23,700 annually

South Dakota - $19,406 annually

In North Dakota and South Dakota, as well as in Idaho, salary increases are set by the legislature. In Wyoming salary increases are set by the Supreme Court subject to legislative approval. Utah's entry-level salary is $23,928 and Washington's varies from $22,000 to $35,316 annually among the various counties. Clearly Montana's salary provision is low as compared to other states. While inflation has eaten away the value of the dollar and the purchasing power of the salaries now received by court reporters, those salary levels have remained unchanged since 1983. The 35 court reporters in Montana are now paid an annual salary of $23,000 per year.

The workload of official court reporters has increased over the past six years. Because of the increased level of appeals from court decisions and the resultant need for a record of all proceedings, judges today require more transcription of proceedings than ever before. Reporters are now reporting matters such as probate proceedings, default divorce hearings, etc., which were not reported in previous years. Much of the equipment used by the reporters is purchased by them at their own expense. Word processors, computer equipment, et al., which makes it possible for a reporter to keep up with the workload, are in many cases paid for by the reporter out of pocket with no

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reimbursement by the counties or the state despite the fact that the equipment is used primarily for the Court's business. Reporters have as much as $20,000 out-of-pocket invested in this equipment and pay annual maintenance charges without payment of the same from the counties.

Present law calls for a payment of $3.00 by each party in a civil action that goes to trial. This amount goes to the county and is to be applied to the payment of the salary of the reporter. Senate Bill No. 209 amends the statute which calls for such payment. The bill provides for a fee of $10.00 to be paid at the time of filing of all civil actions which amount goes to the county to be applied to the court reporter's salary. Thus a method is provided to recoup the major portion of the salary increase. There were 22,036 civil actions filed in Montana in 1987 and 19,866 filed in 1988. Thus the fee provided in Section 2 of the bill would raise approximately $200,000 annually to be applied to the payment of court reporters' salaries.

We urge your support of Senate Bill 209.

Respectfully submitted,

Jerome Anderson
Representing the Montana
Court Reporters Association

DATE 3-13-89
HB SB 209

Montana Court Reporters Association, Inc.

P.O. Box 20211 Missoula, MT 59801 Ph. 543-6447 or 756-5613

TOWARD THE COURTROOM OF THE FUTURE:

Montana's Court Reporters
1989 Legislative Packet

The Montana Court Reporters' Association, Inc. is comprised of approximately 90 members drawn from throughout the state. Half of our members are salaried employees or "official reporters," who work directly for a court or government agency. Half are independent court reporters who are paid on a fee basis by the person or company hiring them. Official reporters also travel with the judges to outlying areas as needed.

The Montana association is a branch of the National Shorthand Reporters' Association, and operates under its guidelines and Code of Professional Conduct. Our aim is to constantly improve our professionalism and to regularly upgrade our credentials through continuing education.

Court reporters prepare for their careers by attending special training schools for 2-3 years (the nearest to Montana are in South Dakota and Colorado), then serving an internship under another reporter's tutelage. Reporters receive extensive computer training and are very familiar with computer technology. In addition, they annually attend continuing education classes, workshops and seminars designed to keep them abreast of their own field and of changes in the legal community.

EXHIBIT 6
DATE 3-13-89
HB SB 209

An Introduction to Court Reporters

Montana's legal system would be much the poorer and heavily crippled were it not for a legion of silent partners helping judges and attorneys. These partners listen carefully to each word being said, enter the proceedings into a computerized system, and reproduce a written record precisely, accurately - and often instantaneously.

This is the court reporter, the most unobtrusive and accurate observer in the courtroom. Because court reporters work in silence with a minimum of intrusion into the proceedings, their work is often overlooked or misunderstood. The written transcripts court reporters provide enable fast and accurate review of the record for appellate proceedings, depositions, and a number of other matters. The court reporter enables justice to be carried out simply by being able to relate exactly what was said in a courtroom.

It takes a great deal of education and experience to record the proceedings in silence. A court reporter will:

- not have to have legal terms or specialized language explained;

- maintain full confidentiality and complete discretion;

- work with quiet efficiency.

The new computer-aided transcription (CAT) systems now in use by a growing number of reporters have produced welcome changes both in the courtroom and in the world of freelance work. As the reporter types the proceedings into a stenographic machine linked to a CAT system, the computer translates the stenographic symbols into English. Back at the office, the reporter edits and processes the electronic document into a comprehensive, clear transcript of the proceedings and prints it out.

Outside of court, these systems have come into wide use for captioning televised events for the hearing impaired. And finally, computer-aided transcription has dramatically increased the speed with which transcripts can be edited and produced.

The reason some people have not been very much aware of court reporters until now is because - in the courtroom - they're not supposed to be. We take that as a sign of our success.

But we wanted you to know who we are and what we do. We're proud of our work, and proud to be an integral part of the system which safeguards the legal process in this country.

Please read on to understand the concerns we have during the current legislative session.

EXHIBIT 6
DATE 3-13-89
HB SB 209

Court Reporters' Salaries

As official reporters, our salary is mandated by state law.

We are professionals at what we do. We receive highly specialized training for a highly specialized field. Our knowledge of communications, the law and computer technology combines to provide the legal system with accuracy, efficiency and discretion of the highest quality.

We're often on call, and adjust to constant changes in schedules. We continually upgrade our skills and knowledge through annual training sessions and seminars. We often work nights and weekends, knowing that the speed with which we do our work is an integral part of the speed with which justice can and should be delivered.

We haven't had a raise in six years.

The price of living has gone up. Like all of you, we're paying increased costs of goods, utilities, services and interest rates. Unlike many of you, we purchase our own expensive and specialized computer systems designed to handle our type of legal work.

As with so many Montanans, we would like to see growth in our profession and not be compelled to leave it for more lucrative work elsewhere. Like all of you, we would like Montana salaries to be at least competitive with neighboring states in order to attract continued high quality people to our profession.

Right now, we are allowed a minimum salary of $16,000 per year and a maximum salary of $23,000 per year.

If you think about it, that's a range of just $8.33 per hour to $12 per hour. That isn't take-home pay, either.

We're asking for a base salary of $23,000 per year up to a maximum of $30,000. The judge, through budget conferences with county commissioners, would set the salaries of individual reporters. Criteria would include experience, education, training, certification and the use of technology.

EXHIBIT 6
DATE 3-13-89
HB SB 209

The National Shorthand Reporters' Association Code of Professional Conduct

The Shorthand Reporter Shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings.

2. Be alert to situations that are conflicts of interest or that may give the appearance of conflict of interest. If a conflict or a potential conflict arises, the reporter shall disclose that conflict or potential conflict.

3. Guard against not only the fact but the appearance of impropriety.

4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the reporter by any of the parties in a proceeding.

5. Be truthful and accurate when making public statements or when advertising the reporter's qualifications or the services provided.

6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.

7. Determine fees independently, except when established by statute or court order, entering into no agreements with other reporters on the fees to any user.

8. Maintain the integrity of the reporting profession.

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. SENATE BILL 209 DATE MARCH 13, 1989

SPONSOR SEN. BOB BROWN

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Robert NIEBOER	Court Reporters	X	
LYNN T. JONES	Court Reporter	X	
Frank L. Orozco	COURT REPORTER	X	
REBECCA M OROZCO	COURT REPORTER	X	
Ann T. Hardy	Court Reporter	X	
CERESE S. PARKER	COURT REPORTER	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.